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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:
11 **STACY LEE HOLT, A.K.A. STACY LEE**
12 **POTTS**
13 **10080 United Place**
Cupertino, CA 95014
14 **Registered Nurse License No. RN 425938**
15 **Public Health Nurse Cert. No. 43656**
16 Respondent.

Case No. **2011-874**
ACCUSATION

17
18 Complainant alleges:

19 **PARTIES**

- 20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.
- 23 2. On or about April 30, 1988, the Board of Registered Nursing issued Registered Nurse
24 License Number RN 425938 to Stacy Lee Holt, A.K.A. Stacy Lee Potts (Respondent). On or
25 about August 8, 1988, the Board of Registered Nursing issued Public Health Nurse Certificate
26 No. 43656 to Respondent. The Registered Nurse License and Public Health Nurse Certificate
27 were in full force and effect at all times relevant to the charges brought herein and will both
28 expire on September 30, 2011, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board),

Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

6. Section 118, subdivision (b), of the Code provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

7. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct,

..."

8. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

1 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
2 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
3 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
4 himself or herself, any other person, or the public or to the extent that such use impairs his or her
5 ability to conduct with safety to the public the practice authorized by his or her license.

6 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
7 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
8 or the possession of, or falsification of a record pertaining to, the substances described in
9 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
10 thereof.

11 "(d) Be committed or confined by a court of competent jurisdiction for intemperate use of
12 or addiction to the use of any of the substances described in subdivisions (a) and (b) of this
13 section, in which event the court order of commitment or confinement is prima facie evidence of
14 such commitment or confinement.

15 "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any
16 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this
17 section."

18 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
19 administrative law judge to direct a licentiate found to have committed a violation or violations of
20 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
21 enforcement of the case.

22 10. Health and Safety Code section 11173(a) states, in pertinent part, that no person shall
23 obtain or attempt to obtain controlled substances, or procure or attempt to procure the
24 administration of or prescription for controlled substances by fraud, deceit, misrepresentation or
25 subterfuge.

26 11. Code section 4060 provides, in pertinent part, that no person shall possess any
27 controlled substance, except that furnished upon a valid prescription/drug order.

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1 12. Health and Safety Code section 11377, in pertinent part, makes it unlawful to possess
2 any controlled substance in Schedule II, subdivision (d), without a prescription.

3 DRUGS

4 13. Percocet is the brand name for acetaminophen and oxycodone, a Schedule II
5 controlled substance as designated by Health and Safety Code section 11055(b)(1)(n) and a
6 dangerous drug as designated by Business and Professions Code section 4022, used for pain
7 relief.

8 14. Vicodin is a brand of hydrocodone bitartrate which is a combination of
9 acetaminophen and hydrocodone, a Schedule II controlled substance as designated by Health and
10 Safety Code section 11055(b)(1)(j) and is a dangerous drug per Code section 4022, used for
11 moderate to severe pain relief.

12 FIRST CAUSE FOR DISCIPLINE

13 (ILLEGALLY OBTAIN OR POSSESS CONTROLLED SUBSTANCES)

14 15. Respondent is subject to disciplinary action under Code section 2761(a) on the
15 grounds of unprofessional conduct, as defined by Code section 2762(a), and also under Code
16 section 4060, and Health and Safety Code sections 11173(a) and 11377, in that while on duty as a
17 registered nurse at Lucile Salter Packard Children's Hospital, Palo Alto, Respondent illegally
18 obtained and/or possessed controlled substances as follows:

19 a. Patient 1: On December 3, 2008 at 13:11, Respondent removed 2 tablets of
20 Oxycodone/Acetaminophen 5/325 from the hospital Pyxis¹. Respondent failed to document
21 administration or wastage of the medication, or account for its disposition in any hospital record.

22 b. Patient 2: On December 21, 2008 at 12:42, Respondent removed 1 tablet of
23 Oxycodone/Acetaminophen 5/325 from the hospital Pyxis. Respondent failed to document
24 administration or wastage of the medication, or account for its disposition in any hospital record.

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27 _____
28 ¹ Pyxis is a hospital computerized medication storage system.

1 c. Patient 3: On December 25, 2008 at 11:10, Respondent removed 2 tablets of
2 Hydrocodone/Acetaminophen 5/500 from the hospital Pyxis. Respondent failed to document
3 administration or wastage of the medication, or account for its disposition in any hospital record.

4 d. Patient 4: On January 4, 2009 at 13:05, Respondent removed 2 tablets of
5 Hydrocodone/Acetaminophen 5/500 from the hospital Pyxis. Respondent failed to document
6 administration or wastage of the medication, or account for its disposition in any hospital record.

7 e. Patient 5: On January 17, 2009 at 14:41, Respondent removed 2 tablets of
8 Oxycodone/Acetaminophen 5/325 from the hospital Pyxis. Respondent failed to document
9 administration or wastage of the medication, or account for its disposition in any hospital record.

10 f. Patient 6: On January 22, 2009 at 12:58, Respondent removed 1 tablet of
11 Oxycodone/Acetaminophen 5/325 from the hospital Pyxis. Respondent failed to document
12 administration or wastage of the medication, or account for its disposition in any hospital record.

13 g. Patient 7: On February 5, 2009 at 12:19, Respondent removed 1 tablet of
14 Oxycodone/Acetaminophen 5/325 from the hospital Pyxis. Respondent failed to document
15 administration or wastage of the medication, or account for its disposition in any hospital record.

16 h. Patient 8: On February 14, 2009 at 08:00, Respondent removed 1 tablet of
17 Hydrocodone/Acetaminophen 5/500 from the hospital Pyxis. Respondent failed to document
18 administration or wastage of the medication, or account for its disposition in any hospital record.

19 i. Patient 9: On February 14, 2009 at 14:04, Respondent removed 2 tablets of
20 Oxycodone/Acetaminophen 5/325 from the hospital Pyxis. Respondent failed to document
21 administration or wastage of the medication, or account for its disposition in any hospital record.

22 j. Patient 10: On February 15, 2009 at 12:12, Respondent removed 2 tablets of
23 Hydrocodone/Acetaminophen 5/500 from the hospital Pyxis. Respondent failed to document
24 administration or wastage of the medication, or account for its disposition in any hospital record.

25 k. Patient 11: On February 28, 2009 at 13:55, Respondent removed 2 tablets of
26 Oxycodone/Acetaminophen 5/325 from the hospital Pyxis. Respondent failed to document
27 administration or wastage of the medication, or account for its disposition in any hospital record.
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1 l. Patient 12: On March 1, 2009 at 13:13, Respondent removed 1 tablet of
2 Hydrocodone/Acetaminophen 5/500 from the hospital Pyxis. Respondent failed to document
3 administration or wastage of the medication, or account for its disposition in any hospital record.

4 m. Patient 13: On March 9, 2009 at 14:46, Respondent removed 2 tablets of
5 Hydrocodone/Acetaminophen 5/500 from the hospital Pyxis. Respondent failed to document
6 administration or wastage of the medication, or account for its disposition in any hospital record.

7 n. Patient 13: On March 10, 2009 at 12:31, Respondent removed 2 tablets of
8 Hydrocodone/Acetaminophen 5/500 from the hospital Pyxis. Respondent failed to document
9 administration or wastage of the medication, or account for its disposition in any hospital record.

10 o. Patient 14: On March 9, 2009 at 13:50, Respondent removed 1 tablet of
11 Oxycodone/Acetaminophen 5/325 from the hospital Pyxis. Respondent failed to document
12 administration or wastage of the medication, or account for its disposition in any hospital record.

13 p. Patient 15: On March 9, 2009 at 12:33, Respondent removed 2 tablets of
14 Oxycodone/Acetaminophen 5/325 from the hospital Pyxis. Respondent failed to document
15 administration or wastage of the medication, or account for its disposition in any hospital record.

16 q. Patient 15: On March 10, 2009 at 10:36, Respondent removed 2 tablets of
17 Oxycodone/Acetaminophen 5/325 from the hospital Pyxis. Respondent failed to document
18 administration or wastage of the medication, or account for its disposition in any hospital record.

19 SECOND CAUSE FOR DISCIPLINE

20 (FALSIFY, OR MAKE GROSSLY INCORRECT, GROSSLY INCONSISTENT, OR
21 UNINTELLIGIBLE ENTRIES IN ANY PATIENT RECORD)

22 16. Respondent is subject to disciplinary action under Code section 2761(a) on the
23 grounds of unprofessional conduct, as defined by Code section 2762(e), in that while on duty as a
24 registered nurse at Lucile Salter Packard Children's Hospital, Palo Alto, California, Respondent
25 falsified, made grossly incorrect, grossly inconsistent, or unintelligible entries in hospital and
26 patient records, as follows:
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1 a. Patient A: On January 3, 2009 at 09:30, Respondent documented administration of 2
2 tablets of Hydrocodone/Acetaminophen 5/500. However, Respondent removed the medication
3 from the Pyxis at 09:39, nine minutes after the documented administration of the medication.

4 b. Patient B: On January 3, 2009 at 10:30, Respondent documented administration of 2
5 tablets of Hydrocodone/Acetaminophen 5/500. However, Respondent removed the medication
6 from the Pyxis at 10:36, six minutes after the documented administration of the medication.

7 c. Patient C: On January 7, 2009 at 12:30, Respondent documented administration of 2
8 tablets of Oxycodone/Acetaminophen 5/325. However, Respondent removed the medication
9 from the Pyxis at 12:46, sixteen minutes after the documented administration of the medication.

10 d. Patient D: On January 8, 2009 at 09:30, Respondent documented administration of 1
11 tablet of Oxycodone/Acetaminophen 5/325. However, Respondent removed the medication from
12 the Pyxis at 09:51, 21 minutes after the documented administration of the medication.

13 e. Patient E: On January 17, 2009 at 08:30, Respondent documented administration of 2
14 tablets of Oxycodone/Acetaminophen 5/325. However, Respondent removed the medication
15 from the Pyxis at 09:15, 45 minutes after the documented administration of the medication.

16 f. Patient F: On January 18, 2009 at 08:30, Respondent documented administration of 2
17 tablets of Hydrocodone/Acetaminophen 5/500. However, Respondent removed the medication
18 from the Pyxis at 08:45, 15 minutes after the documented administration of the medication.

19 g. Patient F: On January 18, 2009 at 12:30, Respondent documented administration of 1
20 tablet of Hydrocodone/Acetaminophen 5/500. However, Respondent removed the medication
21 from the Pyxis at 12:51, 21 minutes after the documented administration of the medication.

22 h. Patient F: On January 18, 2009 at 07:30, Respondent documented administration of 1
23 tablet of Hydrocodone/Acetaminophen 5/500. However, Respondent removed the medication
24 from the Pyxis at 07:36, six minutes after the documented administration of the medication.

25 i. Patient G: On January 25, 2009 at 08:30, Respondent documented administration of
26 1 tablet of Oxycodone/Acetaminophen 5/325. However, Respondent removed the medication
27 from the Pyxis at 08:47, 17 minutes after the documented administration of the medication.
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j. Patient H: On January 31, 2009 at 08:45, Respondent documented administration of 1 tablet of Hydrocodone/Acetaminophen 5/500. However, Respondent removed the medication from the Pyxis at 08:48, three minutes after the documented administration of the medication.

k. Patient I: On January 31, 2009 at 10:45, Respondent documented administration of 2 tablets of Oxycodone/Acetaminophen 5/325. However, Respondent removed the medication from the Pyxis at 10:55, 10 minutes after the documented administration of the medication.

THIRD CAUSE FOR DISCIPLINE
(UNPROFESSIONAL CONDUCT)

17. Respondent is subject to disciplinary action under section 2761(a) in that she acted unprofessionally as alleged above in paragraphs 15 and 16 above.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number RN 425938 issued to Stacy Lee Holt, A.K.A. Stacy Lee Potts;

2. Revoking or suspending Public Health Nurse Certificate No. 43656 issued to Stacy Lee Holt, A.K.A. Stacy Lee Potts;

3. Ordering Stacy Lee Holt A.K.A. Stacy Lee Potts to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

4. Taking such other and further action as deemed necessary and proper.

DATED: _____

4/25/11

for 

LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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